

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

EDDIE MURPHREE, )  
                        )  
Plaintiff,           )  
                        )  
vs.                   )                   2:09-cv-00158-KOB  
                        )  
CARROLL SHELBY; CARROLL       )  
SHELBY LEASING, INC.; DOUG    )  
HASTY; and ROBERT SIGN, JR.,   )  
                        )  
Defendants.          )

**MEMORANDUM OPINION**

This matter is before the court on the motion to dismiss of defendant Richard Kearby. (Doc. 40). On July 1, 2009, the magistrate judge assigned this matter filed a “Report and Recommendation” finding that the motion to dismiss was due to be granted. (Doc. 45). No objections have been filed.

The court has considered the entire file in this action together with the magistrate judge’s Report and Recommendation and has reached an independent conclusion that the magistrate judge’s Report and Recommendation is due to be adopted and approved. Accordingly, the court hereby **ADOPTS** and **APPROVES** the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accordance with the recommendation, the defendant’s motion to dismiss (docs. 40) is due to be **GRANTED** and this action is due to be

**DISMISSED** in its entirety.<sup>1</sup> An appropriate order will be entered.

**DONE**, this 28th day of July, 2009.

  
Karon O. Bowdre  
KARON OWEN BOWDRE  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>The only remaining defendant is Robert Sign, Jr., who was purportedly served with the Amended Complaint on March 19, 2009. (Doc. 20). However, the certified mail receipt is signed only "A. Sign," and Mr. Sign has not answered the plaintiff's complaint. The plaintiff's attorney has represented to the court that he does not intend to pursue this action against Mr. Sign.